

REMARKS

This Response, filed in reply to the Office Action dated May 12, 2006, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-10 remain pending the application. Claims 1 and 5-8 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Sievert (U.S.P. 6,012,792). Claims 2-4 and 9-10 have been deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully submits the following arguments in traversal of the prior art rejections.

The present invention relates to an image processing method. Detailed descriptions of the background and exemplary embodiment are set forth in the February 10, 2006 Amendment at page 7. Sievert is described in this Amendment at pages 7-8. Applicant refers the Examiner to these descriptions.

Further to these descriptions, Applicant emphasizes that claim 1 describes a conversion section which operates in a first mode, which provides output data which is independent of the mode of detection. The conversion section further operates in a second mode, wherein if a condition exists as a result of detection, then a conversion takes place to output image data.

In the Response to arguments section, the Examiner offers rebuttal to arguments previously submitted. The Examiner contends that one of the modes of Sievert (step 320) is used when at least one of the Sievert threshold determinations indicates that the threshold is not exceeded. In this case, the process proceeds forward as if there was no threshold detecting section. These comments were submitted to clarify the claims in view of the Section 112

rejection. Applicant submits that the Examiner's remarks confuse the comments made in traversal of the prior Section 112 rejection and the comments in traversal of the prior art rejection over Sievert.

The comments with regard to the Section 112 rejection merely indicate that the claim is definitive in relation to requirements of the first and second modes. However, the clarifications with respect to the Section 112 rejection did not discuss the further requirements of the first mode. Therefore, it is incorrect for the Examiner to only rely on comments made in relation to the Section 112 rejection in considering the impropriety of the present prior art rejection.

With regard to the rejection over Sievert, the Examiner must consider that the first mode is provided wherein there is conversion of the input data which is independent of the existence of the detection section. As previously submitted, step 320 of Sievert is directly dependent on the outcome of the prior decision step 302. This clearly indicates at least a first dependency on the detection section. Moreover, the processing at step 324 allows a branch into the purported "second mode" at step 306 which shows the inter-relatedness of all processing relative to the detection outcome.

In view of the foregoing, Applicant maintains that Sievert fails to teach or suggest a first mode wherein image data is converted into output image data which is independent of an existence of the detection section as described by claim 1. Claims 7 and 8 are patentable based on analogous recitations, and the remaining claims are patentable based on their dependency.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Appln. No.: 09/965,851

Attorney Docket No.: Q66200

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

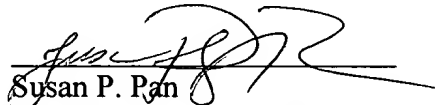
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Susan P. Pan
Registration No. 41,239

Date: August 11, 2006